

REMARKS

As set forth in the Notice of Non-Compliant Amendment, and as confirmed by Teresa Woodruff (Legal Instruments Examiner and signatory of the Notice) in a telephone discussion on December 7, 2004, Applicants understand that **"Only the corrected section of the non-compliant amendment document must be resubmitted"** (bold in original). Accordingly, Applicants believe that submission of the foregoing corrected section of the Response dated September 12, 2003, is fully responsive to the outstanding Notice.

At least for the reasons articulated in the Response of September 12, 2003, Applicants respectfully submit that the present application is currently in condition for allowance. The Examiner is encouraged to contact the undersigned if it is believed that a discussion may advance the prosecution of this case.


Applicants believe that no fee is required at this time. If Applicants are mistaken in that regard, please apply any charges or credit any overpayments to Deposit Account No. 50-2212.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: December 8, 2004

By


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CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*; Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 8, 2004


Signature

PATRICIA MUNOZ

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.